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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,646

09/27/2006

Hai Zhang

CU-5139 RJS

1623

26530 7590 02/12/2010
LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

EXAMINER

NGO, CHUONG A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,646	Applicant(s) ZHANG, HAI	
	Examiner CHUONG A. NGO	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7, 18, 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-17 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 8, 13 and 20-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on November 17, 2009. In virtue of this communication, claims 1-22 are currently presented in the instant application. Claims 1, 9 are amended; claims 2, 7, 18 and 19 are cancelled and claims 23-25 are new added.

Drawings

2. The drawings submitted on September 27, 2006. These drawings are reviewed and accepted by the examiner.

Priority

3. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information Disclosure Statement (IDS) Form PTO-1449, filed on July 13, 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 14, 16, 17, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 20040147266 (hereinafter Hwang) in view of US Patent Application Publication 20040073928 (hereinafter Alakoski).

Consider claims 1, 23, Hwang discloses “A method for activating a Multimedia Broadcast/Multicast Service (MBMS) in a network” (**see paragraph [0085], and Fig. 9A**), “the network comprising at least one Serving GPRS Support Node (SGSN) for connecting user equipments (UE) via a radio access network” (**see Fig. 1, Blocks 101, 103**), “at least one GGSN” (**see Fig. 1, Block 105**), and “at least one BM-SC” (**see Fig. 1, Block 106**), “wherein the SGSN and the GGSN are operatively connected while the GGSN and the BM-SC are operatively connected” (**see Fig. 1, Blocks 103, 105, 106**);

the method comprising the steps:

Hwang discloses “Creating by a UE, a request message through interaction with the network and sending a joining message to the network via an SGSN which the UE belongs to” (**see Paragraph [0064], and Fig. 5, Step 511**); and

Hwang discloses “after receiving the joining message, implementing, by the network, an authorization to the UE” (**see Paragraph [0064], and Fig. 5, Step 513**), “if the UE has passed the authorization, permitting the UE to activate an MBMS UE Context” (**see Paragraph**

[0045]-[0051], and Fig. 4, Step 411-419, Fig. 5, Step 511-531) and “the UE sending a request for activating an MBMS Context which radio access bearer capability of the UE to the SGSN which the UE belongs to” **(see paragraph [0084] and Fig. 9A and 9B, Steps 921,923);**

Hwang discloses “verifying, by the SGSN before sending a Create MBMS Context Request, whether the radio access bearer capability of the UE are less than access bearer Capabilities, if the SGSN has the Required radio access bearer capability wherein the Required radio access bearer capability are used to identify the maximum QoS ability of the MBMS service requested by the UE” **(see paragraph [0065], where Hwang discusses the TRNC 430 determines whether it can continuously provide the requested MBMS service to the UE 410 (check the possibility of MBMS requested by UE) (Step 517), therefore, verifying capability);** and

Hwang discloses “rejecting, by the SGSN, the request for activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating an the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities” **(see paragraph [0066]).**

Although, Hwang discloses “radio access bearer capability and using message context”, however, Hwang does not particularly disclose “carries MBMS bearer capabilities and using Packet Data Protocol (PDP)

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Context”. However, attention is directed to Alakoski, which teaches “carries MBMS bearer capabilities and using Packet Data Protocol (PDP) Context” **(see paragraphs [0027]-[0032])**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to modify the Hwang invention, and have carries MBMS bearer capabilities and using Packet Data Protocol (PDP) Context, as taught by Alakoski, thereby, providing the methods to enhancing the network capability to add new feature to the system, as discussed by Alakoski, (see paragraphs [0005]-[0008]).

Consider claims 14, 16, 17, 24, 25 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

7. Claims 3-6, 9-12, 15, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 20040147266 (hereinafter Hwang) in view of US Patent Application Publication 20040073928 (hereinafter Alakoski) and further in view of US Patent Application Publication 20040266440 (hereinafter Fuchs).

Consider claim 3, Hwang and Alakoski disclose multicast, however, Hwang and Alakoski do not particularly disclose “an IP multicast access of a unicast mode”. However, attention is directed to Fuchs, which teaches “an IP multicast access of a unicast mode” **(see paragraph [0062])**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was make to combine the Hwang and Alakoski inventions, and have an IP multicast access of a unicast mode, as taught by Fuchs, thereby, providing the method for improving bandwidth in mobile system, as discussed by Fuchs, **(see paragraph [0003]-[0009])**.

Consider claims 4-6 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above. **Also see paragraphs [0051-[0057] and Fig. 6, where Hwang discusses reject connection.**

Consider claims 9-12, 15, 21, 22 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

Allowable Subject Matter

8. Claims 8, 13, 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number

is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHUONG A NGO/
Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617